

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 1, 2006

**D048950      People v. Casarez**

Upon filing an abandonment of appeal, personally signed by the defendant's attorney of record, the appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 4, 2006

**D049156      Davila et al. v. Louie et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

**D049630      Rovilla S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Rovilla S. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D048682      People v. Cook**

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D048926      In re Valerie W., a Juvenile**

The orders are affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

**D048138      Utility Consumers Action Network et al. v. Cingular Wireless, LLC/  
Kathleen Hill et al. v. Cingular Wireless, LLC**

Upon filing a written abandonment of appeal, the appeals filed February 22, 2006, and amended February 24, 2006, are dismissed and the remittitur is ordered to issue immediately.

**D049572      Jorge S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed for Azul P. The notice of intent is deemed to be abandoned. The case is dismissed.

**D049633      Sharanda F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed for Sharanda F. The notice of intent is deemed to be abandoned. The case is dismissed. The clerk of the court is directed to return to Sharanda F.'s counsel the notice of association of counsel received on December 4, 2006.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 5, 2006

**D049381      TD Services Company et al. v. Ewing**

The motion to dismiss the appeal is granted. The appeal is dismissed.

**D047530      Martin v. California College San Diego**

The order is affirmed. Costs are awarded to respondent. Huffman, Acting P.J.;  
We Concur: McDonald, J., Irion, J.

**D047252      People v. Saltzman**

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D047458      People v. Hammond**

Affirmed. Irion, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D049225      In re Palacios on Habeas Corpus**

The petition is denied.

**D049428      The People ex rel. Bill Lockyer, as Attorney General v. Superior Court of  
San Diego County/Morris Inc., et al.**

The petition is denied.

**D049347      In re Robinson on Habeas Corpus**

The petition is denied.

**D049624      In re Blankenship on Habeas Corpus**

The petition is denied without prejudice to refile with the Court of Appeal, Second Appellate  
District, 300 South Spring Street, Los Angeles, CA 90013.

**D049314      In re Sheets on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 6, 2006

**D048973      In re Mariah L., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: O'Rourke, Acting P.J., Aaron, J.

**D049418      In re Green on Habeas Corpus**

The petition is denied.

**D049573      Mychael S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Mychael S. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

**D048916      People v. Michael C.**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

**D047264      People v. Browning**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

**D048897      In re Janette S., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

**D049749      Susan L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Susan L. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed because there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 7, 2006

**D049346        In re Brown on Habeas Corpus**

The petition is denied.

**D049852        Smith v. Superior Court of San Diego County/People**

The petition is denied.

**D049795        Salcido v. Myers**

Appellant has failed to file an application for permission to appeal or to file a writ petition after notice given under Code of Civil Procedure section 391.7, subdivision (b). The appeal is DISMISSED.

**D048949        Cohen v. Hilton Hotels Corporation**

On October 20, 2006, appellant filed a notice of settlement. This court advised appellant on October 25, 2006, that the appeal would be dismissed if appellant did not file and abandonment of the appeal, a request to dismiss the appeal or a letter stating good cause why the appeal should not be dismissed within 45 days after filing the notice of settlement. (Cal. Rules of Court, rule 20(a)(3)&(4)). Appellant has not filed one of the above documents by the specified date. The stay of preparation of the record is vacated. The appeal is dismissed and each side is ordered to bear its own costs on appeal. (Cal. Rules of Court, rule 20(a)(4))

**D047382        O'Sullivan v. City of San Diego**

Upon written stipulation filed by the parties to the cross-appeal, the cross-appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

**D048569        Alcala v. City of San Diego Employees' Retirement System Board of Retirement**

Appellant's "Notice of Motion to Set Aside Dismissal," is granted and the appeal is reinstated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 8, 2006

**D049546      La Jolla Serena Homeowners Association v. Superior Court of San Diego County/Vayser**

Let a writ of mandate issue directing the superior court to vacate its September 7, 2006, order dismissing the appeal and enter a new order setting the matter for trial. This opinion is made final in 10 days as to this court. (Rule 24(b)(3)). Costs are awarded to petitioner. (Rule 56 (l)(1)). McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

**D047685      Esquer v. First Transit, Inc.**

On October 20, 2006, appellant notified this court that the matter has settled. Because appellant has not filed a request to dismiss or a letter stating good cause why the appeal should not be dismissed within 45 days of the filing of the notice of settlement, the court orders the appeal dismissed and each side to bear its own costs on appeal.

**D046934      People v. Aguilar**

Aguilar's appeal is dismissed. Nares, Acting P.J.; We Concur: McIntyre, J., Haller, J.,

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke  
Clerk: D. Moore

**D048089      People v. Threats**

Cause called on merits. Gerald J. Miller, Esq. argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Mr. Miller replied. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Terry O'Rourke

**D048001      Fortier v. Fortier**

Cause called on merits. James Joseph Albert, Esq. argued for appellant. Cause submitted.

Court recessed at 9:46 a.m. until Monday, December 11, 2006 at 9:00 a.m.

**D047609      In re Jonathan V., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D047550      People v. Thomas**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D048617      Andersen et al. v. Hirsch et al.**

The judgment is affirmed. Respondents are awarded costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 8, 2006 (Continued)

**D048588      In re C.B. et al., Juveniles**

The judgments are affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D049251      Lexin et al. v. Superior Court of San Diego County/People**

This matter has been transferred from the Supreme Court with directions to vacate the September 25, 2006 order denying the petition for writ of prohibition and to issue an order to show cause why the relief requested should not be granted.

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent a written objection on or before December 13, 2006, the response on file will be deemed the return to the order to show cause. Petitioners may file a reply on or before December 22, 2006.

Absent a written request on or before December 28, 2006, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

**D049325      In re Clemans, Jr. on Habeas Corpus**

The petition is denied.

**D049328      In re Clemans, Jr. on Habeas Corpus**

The petition is denied.

**D049902      Kolender v. Superior Court of San Diego County/Ybarra et al.**

The petition is denied.